

REMARKS

Claims 1-12 are pending in this application.

Applicants have amended claims 1-4, 6-9, 11, and 12. In addition, Applicants have made minor changes to the specification to correct informalities. As will be explained in more detail below, these changes do not introduce any new matter.

In response to the objection to the drawings, Applicants have deleted paragraphs 103, 104, and 156 from the specification. These paragraphs include the reference signs cited by the Examiner as not being shown in the drawings, and the description contained in these paragraphs is not necessary to support the claimed subject matter. Accordingly, Applicants respectfully request that the objection to the drawings be withdrawn.

In response to the objection to the specification, Applicants have corrected the informalities cited by the Examiner. Accordingly, Applicants respectfully request that the objection to the specification be withdrawn.

In response to the objection to claims 2-4 and 7-9, Applicants have amended these claims in accordance with the Examiner's suggestion. Accordingly, Applicants respectfully request that the objection to the claims be withdrawn.

Applicants respectfully request reconsideration of the rejection of claims 1-12 under 35 U.S.C. § 103(a) as being unpatentable over *Arai et al.* ("*Arai*") (U.S. Patent No. 5,929,906) in view of *Takahashi et al.* ("*Takahashi*") (U.S. Patent No. US 6,987,567 B2). As will be explained in more detail below, the combination of *Arai* in view of *Takahashi* would not have suggested to one having ordinary skill in the art the subject matter defined in independent claims 1, 5, 6, and 10-12, as presented herein.

Considering first independent claim 1, the Examiner concedes that the *Arai* reference "fails to disclose or fairly suggest...that each profile being produced using plural sample ink amount data selected based on an evaluation index including a color difference index and an

image quality index.” Office Action at page 6. To remedy this deficiency, the Examiner cites the *Takahashi* reference and alleges that it would have been obvious to one having ordinary skill in the art to modify the color correcting method and apparatus of *Arai* to include the subject matter disclosed in the *Takahashi* reference.

The *Takahashi* reference discloses a method that uses a spectral distribution error evaluation value. Applicants have amended independent claim 1 to specify that the color difference index is not calculated from differences in the spectral reflectance of the sample color and the comparative color but rather is calculated from differences in colorimetric values of the sample color and the comparative color (support for this change may be found in Applicants’ specification at, for example, paragraphs 57, 58, 94, and 100). This feature is neither taught nor suggested in the *Takahashi* reference. Thus, even if the *Arai* and *Takahashi* references were to be combined in the manner proposed by the Examiner, the result of the combination would not have been the subject matter defined in claim 1, as amended herein.

Applicants have amended independent claims 6, 11, and 12 along the same lines discussed above with respect to claim 1. As such, the arguments set forth above regarding claim 1 also apply to claims 6, 11, and 12.

Shifting now to independent claim 5, Applicants respectfully submit that the combination of *Arai* in view of *Takahashi* does not raise a *prima facie* case of obviousness against the subject matter defined in claim 5. As specified in claim 5, both the first converter and the second converter receive colorimetric value data and output ink amount data. On the other hand, the *Arai* reference teaches only to convert ink amount values (YMC) to spectral distribution, as shown in Figure 2. As used in connection with the claimed subject matter, the phrase “colorimetric value” refers to, for example, a CIEL*a*b* value or a CIEXYZ value.

As such, the *Arai* reference does not disclose or suggest either of the first and second converters that receive colorimetric value data and output ink amount data.

Further, the cited references do not disclose or suggest the selector specified in claim 5. The first converter executes conversion “such that two colorimetric values of a virtual sample patch to be printed with the same ink amounts represented by the ink amount data under two different viewing conditions are substantially equal to each other.” The second converter executes conversion “such that the ink amounts represented by the ink amount data substantially reproduces spectral reflectance associated with the received colorimetric value.” The selector specified in claim 5 selects one of the first and second converters for use by an image processor. Neither the *Arai* reference nor the *Takahashi* reference discloses or suggests a selector as specified in claim 5.

For at least the foregoing reasons, the combination of *Arai* in view of *Takahashi* would not have resulted in an apparatus for converting colorimetric value data into ink amount data having a first converter, a second converter, and a selector as specified in claim 5. As such, the combination of *Arai* in view of *Takahashi* fails to raise a *prima facie* case of obviousness against the subject matter of claim 5.

Addressing now independent claim 10, this claim defines a method claim that includes method operations that correspond to the functionality of the components of the apparatus defined in independent claim 5. As such, the arguments set forth above regarding claim 5 also apply to claim 10.

Accordingly, for at least the foregoing reasons, independent claims 1, 5, 6, and 10-12, as presented herein, are patentable under 35 U.S.C. § 103(a) over the combination of *Arai* in view of *Takahashi*. Claims 2-4, each of which depends from claim 1, and claims 7-9, each of which depends from claim 6, are likewise patentable under 35 U.S.C. § 103(a) over the

combination of *Arai* in view of *Takahashi* for at least the same reasons set forth above regarding the applicable independent claim.

Applicants acknowledge the provisional obviousness-type double patenting rejection of claims 11 and 12 as being unpatentable over claim 1 of copending Application No. 10/700,658. Once allowable subject matter is identified in the subject application, Applicants will make a determination as to whether the submission of a terminal disclaimer is warranted.

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-12, as presented herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP062).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, L.L.P.



Peter B. Martine
Reg. No. 32,043

710 Lakeway Drive, Suite 200
Sunnyvale, California 94085
Customer Number 25920